

REMARKS/ARGUMENTS

Serial No. 09/768,016

This is in response to the requirement for restriction dated March 4, 2002.

At the outset applicant elects Group I consisting of claims 1-6 for prosecution.

The requirement for restriction between the product of Group I and the method of Group II is respectfully traversed. These groups are related as product and process of using the product, and the criteria for restriction, as stated by the Examiner, are set forth in MPEP §806.05(h). Claim 1 defines the product as "at least one adsorbent, a binder, and at least one basic salt." Claim 7 relating to the method of using the product includes the limitation of "at least one adsorbent, a binder, and at least one basic salt." Thus, both the product and the method, as claimed, contain the same limitations. Therefore, it is submitted that the process for using the product as claimed cannot be practiced with another materially different product or the product as claimed cannot be used in a materially different process of using that product. It is submitted that the Examiner is in error in stating "In the instant case, the product of Group I can be used with different method." In the foregoing respect, it is to be noted that MPEP §806.05(h) specifically states that "The burden is on the examiner to provide an example, but the example need not be documented." It is respectfully submitted that the Examiner should provide an example if such can be made, or else withdraw the requirement for restriction between Groups I and II.

The Examiner has also stated that the inventions of Group I and Group III are related as "product made and device," citing MPEP §806.05(g). This restriction is also respectfully traversed. First of all, it is submitted that MPEP §806.05(g) is not the proper category to be applied. This section of the MPEP relates to apparatus and product made by the apparatus, which is not the case here. The inventions of Group I and Group III are related as product and device for using the product, and not to apparatus and product made by the apparatus. There does not appear to be a section in the MPEP relating to restriction of product and device for using the product. In any event, claim 1 of Group I includes the recitation a gas absorbing tablet containing "at least one adsorbent, a binder, and at least one basic salt." Claim 13 of Group III relates to an electronic device which includes a gas absorbing tablet including "at least one adsorbent, a binder, and at least one basic salt." Thus, claims 1 and 13 include the same limitation, and it is not seen how the device as claimed can use a materially different product or the product as claimed can be used in a materially different device. Accordingly, it is submitted that the Examiner should withdraw this ground of restriction.

The requirement for restriction between Groups I and IV is respectfully traversed. It is respectfully submitted that Group IV consisting of claims 19-27 should be examined along with Group I which was elected considering that claim 19 has been amended to be dependent on claim 2, and further considering that claims 20-27 are dependent directly or

indirectly on claim 19. In the foregoing respect, it is to be noted that the Examiner has specifically stated that both Group I and Group IV are "drawn to an acid-gas absorbing tablet." The difference between Group I and Group IV is that the claims of Group IV are more specific.

The restriction between Group II and Group III is respectfully traversed. This ground of restriction is based on the Examiner's statement that the groups are related as "method and device for its practice," and the Examiner based the requirement on MPEP §806.05(e). Group II relates to a method of absorbing gases from an electronic device containing a gas absorbing tablet which has "at least one adsorbent, a binder, and at least one basic salt." Group III relates to an electronic device wherein acid-gases are generated and contains a gas absorbing tablet containing "at least one adsorbent, a binder, and at least one basic salt." It is submitted that the method of Group II, as claimed, cannot be practiced independently of the electronic device, as claimed, because they both have the limitation of "at least one adsorbent, a binder, and at least one basic salt." Accordingly, withdrawal of the ground of restriction between Groups II and III is respectfully requested.

The restriction between Group II and Group IV is also respectfully traversed. In this requirement, the Examiner stated that these groups are related as product and process of use under MPEP §806.05(h). It is submitted that this ground of restriction is no longer applicable considering that claims 19-27 of Group IV are now dependent on claim 2 of

Group I, and the ground of restriction between Groups I and II was not proper, as discussed in detail above.

The restriction between Groups III and IV is respectfully traversed. This was based by the Examiner on "product made and device" under MPEP §806.05(g). It is submitted this section of the MPEP is not applicable because it relates to apparatus and product made by the apparatus, which is not the case here. Actually what is the case here is that Group III relates to an electronic device which utilizes an acid-gas absorbing tablet which contains "at least one adsorbent, a binder, and at least one basic salt" and Group IV relates to a specific composition of an acid-gas absorbing tablet. Thus Group III relates to an electronic device containing a specifically claimed gas absorbing tablet and Group IV relates to a more specifically claimed gas absorbing tablet. Therefore, MPEP §806.05(g) does not apply because the groups are actually related as device containing a product and a more specifically defined product. Also, as noted above, the claims of Group IV have been incorporated into Group I, and thus the relationship which now appears to be applicable is between product (Group I) and device containing the product (Group III) for which there does not appear to be a section in the MPEP requiring restriction. The lack of basis for restriction between Group I and Group III was discussed in detail above, and it is submitted that this is equally applicable here.

In view of the foregoing, it is respectfully submitted that all grounds for restriction should be withdrawn.

Respectfully submitted,

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April 3, 2002

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19.    (AMENDED)

        An acid-gas absorbing tablet [comprising] as set forth in claim 2 wherein there are present by weight an adsorbent in the amount of between about 73% and 93%, the binder polyvinylpyrrolidinone in an amount of between 4.2% and 25.1%, potassium bicarbonate in an amount of between about 0.4% and 6.7%, potassium carbonate in an amount of between about 0.2% and 8.4%, and water in an amount of between 0% and 30%.

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